

RESOLUTION NO. 2007-05

A RESOLUTION, adopting operating rules and procedures for public educational government access television.

WHEREAS, the City of Wenatchee has entered into franchise agreements with various local cable television and internet service providers for television services.

WHEREAS, the franchise agreements require the television service providers to set aside channels for public educational government access television programming.

WHEREAS, the City of Wenatchee will administer the programming for the public educational government access television channels.

WHEREAS, the City of Wenatchee desires to set forth its operating rules and procedures for programming on the public educational government access television channels.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wenatchee as follows:

SECTION I.

The public educational government access television operating rules and procedures set forth on Exhibit A attached hereto shall be and hereby are adopted by the City of Wenatchee.

Passed by the City Council of the City of Wenatchee, at a regular meeting thereof, this 25th day of January, 2007.


CITY OF WENATCHEE, WASHINGTON

By 
Dennis Johnson, Mayor

ATTEST:


Vicki Reister, City Clerk

Approved as to form:


STEVE D. SMITH, City Attorney

Public Educational Government Access Television Operating Rules and Procedures

Introduction

The City of Wenatchee regulates the local cable television franchise agreement, which allows providers of cable programming to use public rights of way for their cables and wiring. Within this franchise agreement, provisions are made for Public Educational Government (PEG) access channels. City of Wenatchee cable television consumers pay an 8 cent fee to fund and support Public Educational Government access channels.

In the City of Wenatchee, Channels 98 and 99 on the local communications cable system have been set aside for use for Public Educational Government Access programming.

Contact Information

City of Wenatchee Information Systems Department

Phone: (509) 888-0530

Drop Off Location:

City of Wenatchee

ATTN: Public Educational Government Access Television

129 South Chelan

Wenatchee, WA 98801

Mailing Address:

City of Wenatchee

ATTN: Public Educational Government Access Television

PO Box 519

Wenatchee, WA 98807

Not an Independent Production House

The City of Wenatchee's Public Educational Government Access Television is not a news gathering station nor is it an independent production house. This means that, with the exception of significant municipal or educational events, staff do not cover community events. Municipal organizations or educational entities cover their own productions.

Who can use PEG Television

Three categories of users are recognized under the definition of Public Educational Government Access Television. These categories are defined as follows:

1. Government users.

The City of Wenatchee, a Washington municipal corporation - This includes any and all departments within the administrative agency as well as the City Council of the City of Wenatchee. Other local or state governments may also access PEG channels by means of an interlocal agreement.

2. Education users.

Educational Entities - This may include local University extensions such as Washington State University; Wenatchee School District; certified private schools; licensed arts, trade or crafts schools; service organizations, either non-profit or for-profit, with part of their annual budget designated for educational purposes; individuals whose programs are evaluated by staff to be specifically and solely educational in purpose; or any other educational entity; ***provided however***, that they fall within "Educational" use; the program to be aired must have an educational and/or instructional purpose and the entity must have a physical presence in the Wenatchee urban areas defined by our Urban Growth Boundary.

3. Community/Public users.

Public users within the City of Wenatchee who are producing or sponsoring programs that provide a public benefit.

Master Schedule

Availability of PEG TV for Public Educational Government use is established by the master schedule created each week. The schedule changes from week to week according to programming demands.

1. **Scheduling of special programming:** Educational and City of Wenatchee Government time slots may be exchanged, if agreed to by each entity, upon coordination with the PEG TV coordinator. Open air time on the channel may be filled with the community calendar (character generator), with programming submitted by the second or third priority user, or by satellite downlinks, as applicable. The City of Wenatchee may preempt regularly scheduled programs in order to air live coverage of important events where pre-taping is not a feasible option.

Right to Refuse Service

The City of Wenatchee reserves the right to refuse service to any person whose actions hinder the activities of staff members or violate any rules or programming policies.

General Rules

1. Programming shall comply with FCC rules regulating Cablecasting.
2. The City of Wenatchee does not authorize the community access channel(s) to be used for the presentation of:

- a. Obscene or pornographic material. The use of material which is obscene is prohibited. Obscene material is as defined in the City of Wenatchee Code 6A.26 and is prohibited by the FCC as set forth at Title 18 United States Code, Section 1464. Material which contains obscene, offensive language or excessive violence may be prohibited from City of Wenatchee PEG telecasts at the discretion of the coordinator.
 - b. Commercial advertising.
 - c. Any lottery, or any advertisement of information concerning lottery.
 - d. Any promotional material concerning products or services presented for the purpose of any solicitation of money or other things of value, unless specifically exempted under the terms of this document.
 - e. Political endorsements.
 - f. Any material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright or which might violate any local, state or Federal law.
 - g. Material that creates immediate danger of damage to property or injury to persons, the substantial obstruction of law enforcement or other governmental functions or services, the deprivation of any person by threat of force or physical action of a legal right or the disturbance of any person in the enjoyment of a legal right, or the creation of a public nuisance.
 - h. Such other reasons as the Coordinator determines adversely affect the operation of the City of Wenatchee PEG TV.
3. All cablecast requests must be submitted with the appropriate completed and signed forms. A signed statement releasing the cable operator and the City of Wenatchee from liability and holding the same harmless from claims of third parties will be required.
 4. Materials must be submitted in high quality VHS format a minimum of 2 weeks prior to the requested date. DVD recordings may be accepted in the future, but current equipment limits the capability.
 5. Channel use operating rules, application forms, licenses, facilities and equipment are all subject to change at any time.

Quality Standards

All submitted videotapes for airing must be of a quality suitable for cablecast. Tapes must meet minimum quality standards when aired over the cable system. All videotapes supplied for airing will be on high quality video on high quality tape (S-VHS or better). Audio quality of all videotapes must be constant throughout.

Violation of Operating Rules

At the discretion of the City of Wenatchee staff, violation of Operating Rules and/or guidelines as explained by staff may result in temporary suspension or permanent revocation of Wenatchee PEG TV privileges.

Appeals Procedure

The City's Information Systems Department is responsible for maintaining the integrity of contents placed on the City's Government and Education Access Channels based on the operating rules and procedures. Request for information to be broadcast is made through the City of Wenatchee's Information Systems Department by completing the appropriate forms. Upon receipt of the material to be cablecast and the applicable form(s), the City will determine if the material is consistent with operating guidelines. The City of Wenatchee reserves the right to refuse a request for cablecast which is illegal under city, state or federal law, or is in violation of the goals of the City's Public Educational Government Access Channels.

Within ten (10) days of an adverse decision by the City of Wenatchee, an applicant may file an appeal. Appeals shall be made in writing filed with the City Clerk identifying the applicant by name and address, and describing the basis for the appeal. Appeals shall be heard within thirty (30) days by the City Executive Services Director. Any subsequent appeals shall be filed with the Superior Court of Chelan County within twenty-one (21) days of an adverse decision by the City Executive Services Director. Failure to file an appeal within the time allotted bars any appeal.

Public Education and Government Channel PROGRAMMING CONTRACT

Please print clearly in INK

This is a legally binding contract. All suppliers of programming requesting time on the Wenatchee PEG channels must provide complete and accurate information requested in this contract.

COMPLETE BOTH SIDES AND SIGN

SUBMITTED BY/SPONSOR

Last Name:

First Name:

Organization/Sponsor:

Address:

City:

Zip:

Phone:

E-mail:

CREATOR/PRODUCER:

Organization Name:

Contact Name:

Address:

City:

Zip:

Phone:

E-mail:

Note : If the Producer is other than the sponsor, a letter of release must be attached authorizing the use of the program.

PROGRAM INFORMATION

Title:

Content:

Program Length:

SCHEDULE REQUEST:

1st Request:

Date:

Time:

2nd Request:

Date:

Time:

STATEMENT OF COMPLIANCE

1. I have read and am thoroughly familiar with the contents of the City of Wenatchee Public Educational Government Access Television Operating Rules and Procedures.
2. I am thoroughly familiar with the content of the program material to be cablecast and agree that it will comply with Operating Rules and the City of Wenatchee Municipal Code with regard to cable programming. Also, it will not contain:
 - a. Obscene or pornographic material. The use of material which is obscene is prohibited. Obscene material is as defined in the City of Wenatchee Code 6A.26 and is prohibited by the FCC as set forth at Title 18 United States Code, Section 1464. Material which contains obscene, offensive language or excessive violence may be prohibited from City of Wenatchee PEG telecasts at the discretion of the coordinator.
 - b. Commercial advertising.
 - c. Any lottery, or any advertisement of information concerning lottery.
 - d. Any promotional material concerning products or services presented for the purpose of any solicitation of money or other things of value, unless specifically exempted under the terms of this document.
 - e. Political endorsements.
 - f. Any material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright or which might violate any local, state or Federal law.
 - g. Material that creates immediate danger of damage to property or injury to persons, the substantial obstruction of law enforcement or other governmental functions or services, the deprivation of any person by threat of force or physical action of a legal right or the disturbance of any person in the enjoyment of a legal right, or the creation of a public nuisance.
3. I assume all responsibility for the content of all program material cablecast and will ensure that such program material will not violate any right of any third party.
4. I have obtained or, before the programming material is cablecast, I will obtain all approvals, clearances, licenses, etc. for the use of any program material which I cablecast, including but not limited to approvals by broadcast stations, networks, sponsors, music licensing organization, copyright owners, performers' representatives, all persons appearing in or referred to in the program material, and any other approvals that may be necessary to transmit program material over cable channels in the City of Wenatchee.
5. I indemnify and hold harmless the City of Wenatchee, its Directors, Officers, Staff, or any local cable provider against any claim arising out of any use of the program material that I cablecast or any breach of this Statement of Compliance including but not limited to any claims in the nature of libel, slander, invasion of privacy of public right, non-compliance with applicable laws and unauthorized use of copyright material. I understand that I may be criminally or civilly liable for performing or producing such material which is cablecast. I agree that I shall not represent myself or any other person involved in community access cable casting or productions as an employee, representative or agent of PEG Television, City of Wenatchee or any cable television service provider or its facilities.
6. I shall not use Public Educational Government Access channels for any financial gain or other commercial purposes.
7. I understand that false or misleading statements made in this application are grounds for forfeiture of rights to utilize government and education access television.

After acceptance by the City of Wenatchee Coordinator, this application is nontransferable.

Signature of Applicant

Date

**** For City of Wenatchee Internal Purposes only ****

Approved: _____

Not Approved: _____

Date: _____

Reason: _____

Signature of Coordinator: _____